

Local Law Number 11 Of 2008

County Of Ulster

A Local Law Known As The Ulster County Ethics And Disclosure Law

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION I. TITLE

This Local Law shall be known as “The Ulster County Ethics and Disclosure Law.”

SECTION II. PURPOSE

A) The purposes of this Local Law are:

1. To establish standards of ethical conduct for officers, employees and consultants of Ulster County;
2. To provide officers, employees and consultants of Ulster County, whether elected or appointed, paid or volunteer, with clear guidance on such standards;
3. To promote public confidence and integrity in the agencies and administrative offices of our local government;
4. To facilitate the consideration of potential ethical problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people by requiring public disclosure of financial interests that may influence or be perceived to influence the actions of Ulster County officers and employees; and
5. To provide for the fair and effective administration of this Local Law.

B) This Local Law is enacted pursuant to Section 806 of the General Municipal Law of the State of New York and Section 10 of the Municipal Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law.

SECTION III. DEFINITIONS

Unless otherwise stated or unless the context otherwise requires, the following terms shall, for the purpose of this Local Law, have the meaning herein indicated:

- A) “Appear” and “appear before” mean communicating in any form, including, without limitation, personally, through another person, by letter, or by telephone or electronic means.

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B) “Board of Ethics” means the Board of Ethics of the County of Ulster established pursuant to Section VIII of this Local Law.

C) “Chief fiscal officer” means the treasurer, commissioner of finance, or other officer possessing similar powers and duties.

D) “Contract” means any claim, account or demand against or agreement with the County, express or implied and shall include the designation of a depository of public funds and the designation of a newspaper including, but not limited to, an official newspaper for the publication of any notice, resolution, ordinance, local law or other proceeding where such publication is required or authorized by law.

E) “Contractual goods/services” means any work performed or goods delivered by the County officer to another person under mutual agreement of the two parties and provided the transaction has been finalized, without dispute, by the two parties.

F) “County” means County of Ulster, and shall include any county improvement district, district corporation, or other district or a joint service established for the purpose of carrying on, performing or financing one or more improvements or services intended to benefit the health, welfare, safety or convenience of the inhabitants of the County or to benefit the real property within the County.

G) “County officer or employee” means any officer or employee of the County, whether paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau or committee of the County. “County officer or employee” shall not include:

1. Judge, justice, officer or employee of the court system; or
2. Member of an advisory board of the County if, but only if, the advisory board has no authority to implement its recommendations or to act on behalf of the County or to restrict the authority of the County to act. No entity established pursuant to the General Municipal Law of the State of New York shall be deemed an advisory board for purposes of this paragraph.

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H) "Customer" or "client" means any person for whom a County officer or employee has directly supplied contractual goods/services during the previous twenty-four (24) hours.

I) "Domestic partner" means a person at least eighteen years of age who, with respect to another person:

1. Is formally a party in a domestic partnership or similar relationship with the other person, entered into pursuant to the laws of the United States or any state, local or foreign jurisdiction, or registered as the domestic partner of the person with any registry maintained by the employer of either party or any state, municipality, or foreign jurisdiction; or
2. Is formally recognized as a beneficiary or covered person under the other person's employment benefits or health insurance; or
3. Is dependent or mutually interdependent on the other person for support, as evidenced by the totality of the circumstances indicating a mutual intent to be domestic partners including but not limited to: common ownership or joint leasing of real or personal property; common house-holding, shared income or shared expenses; children in common; signs of intent to marry or become domestic partners under subparagraph (1) or (2) of this paragraph; or the length of the personal relationship of the persons.

Each party to a domestic partnership shall be considered to be the domestic partner of the other party. "Domestic partner" shall not include a person who is related to the other person by blood in a manner that would bar marriage to the other person in New York State. "Domestic partner" shall also not include any person who is less than eighteen years of age or who is the adopted child of the other person or who is related by blood in a manner that would bar marriage in New York State to a person who is the lawful spouse of the other person.

J) "Gift" and "financial benefit" shall include any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, or any promise thereof, or any other gratuity or promise thereof or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.

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K) "Interest" means direct or pecuniary or material benefit accruing to a County officer or employee as a result of a contract with the County which such officer or employee serves. For purposes of this local law, a County officer or employee shall be deemed to have an interest in the contract of (a) his or her spouse, domestic partner, minor children and dependents, except that a contract of employment with the municipality which such officer or employee serves, (b) a firm, partnership or association of which such officer is a member or employee, (c) a corporation of which such officer or employee is an officer, director or employee and (d) a corporation, any stock of which is owned and controlled directly or indirectly by such officer or employee.

L) "Ministerial act" means an action performed in a prescribed manner without the exercise of judgment or discretion as to the propriety of the act.

M) "Outside employer or business" means:

1. Any activity, other than service to the County, from which the County officer or employee receives compensation for services rendered or goods sold or produced;
2. Any entity, other than the County, of which the County officer or employee is a member, officer, director, or employee and from which he/she receives compensation for services rendered or goods sold or produced; or
3. Any entity in which the County officer or employee has an ownership interest, except a corporation of which the County officer or employee owns less than five (5%) percent of the outstanding stock. For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

N) "Person" means both individuals and entities.

O) "Relative/immediate family member" means a spouse, domestic partner, child or person claimed as a dependent on the County officer's or employee's latest individual state income tax return.

P) "Subordinate" of a County officer or employee means another County officer or employee over whose activities he/she has direction, supervision, or control, except those who serve in positions that are in the exempt classification under Section 41 of the

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Civil Service Law of the State of New York or in the unclassified service under subdivisions (a) through (f) of Section 35 of that law.

SECTION IV. STANDARD OF CONDUCT

A) General prohibition. A County officer or employee shall not use his/her official position or office, or take or fail to take any action in a matter which he/she knows or has reason to know may provide a personal financial benefit or secure unwarranted privileges or exemptions for any of the following persons:

1. County officer or employee;
2. His/her outside employer, employee or business;
3. Relative or immediate family member;
4. Customer or client;
5. Campaign contributors.

B) Recusal. A County officer or employee shall promptly recuse himself/herself from acting on a matter before the County, when acting on the matter, or failing to act on the matter, may benefit the persons listed above, financially or otherwise or give the reasonable appearance of a conflict of interest or impropriety. Whenever a County officer or employee is required to recuse himself/herself, he/she must refrain from further participation in the matter (as officer or employee, but not as a private citizen).

C) Gifts. A County officer or employee shall not accept or solicit any gift valued over seventh-five (\$75) dollars, nor shall he/she accept or solicit any gift or financial benefit under circumstances in which it could reasonably be inferred that the gift was intended to influence such County officer or employee in the performance of his/her official duties or was intended to be a reward for any official action on his/her part.

D) Representation. A County officer or employee shall not represent any private interest before any County agency or in any litigation in which the County of Ulster is a party or complainant.

E) Appearances. A County officer or employee shall not appear before any agency of the County, except on his/her own behalf or on behalf of the County or on behalf of his or her constituent(s) in the case of a Legislator.

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F) Confidential information. The NY State Freedom of Information Law (Public Officers Law § 87(2)) describes information that is confidential. This description should guide County employees and officers as to the information that should be considered confidential. Confidential information under this Ethics and Disclosure Law does not exceed the bounds for confidential information set by Public Officers Law § 87(2). Before a County employee or officer discloses information that may be considered confidential, he/she is encouraged to seek a written determination from the County Records Access Officer. The County Records Access Officer may seek an opinion from the County Attorney prior to making a determination. The restrictions on disclosure and use of confidential information described herein apply without regard to the circumstances in which the information was acquired, and include information gained through means other than the possessor's association with the County.

G) Political solicitation. A County officer or employee shall not request or authorize anyone else to request any subordinate of the officer or employee to participate in an election campaign or contribute to a political committee.

H) Future employment. A County officer or employee shall not, after the termination of service or employment with the County, appear for financial gain before any board or agency of the County in relation to any case for a period of two (2) years and shall not appear for financial gain at any time in any proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

I) Avoidance of conflicts. County officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment, or anything of value which would put them in violation of this Local Law.

J) Inducement of others. A County officer or employee shall not induce or aid another officer or employee of the County to violate any of the provisions in this Local Law.

K) Investments. A County officer or employee shall not invest or hold any investment directly or indirectly in any business, financial, commercial or other private transaction, which would create a conflict with his/her official duties.

L) Disclosure regarding contract with employment of relatives and domestic partners.

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1. Every County officer and employee related closer in degree, by blood or marriage than first cousin, including a domestic partner or person related by domestic partner circumstances, to any person(s) seeking a contractual relationship with the County or seeking employment within any department, section or function of the County shall disclose such relationship as provided for pursuant to the further provisions of this section.
2. Any member of any County board, commission, council or other County agency related closer in degree by blood or marriage than first cousin, including a domestic partner or person related by domestic partner circumstances, to any person(s) seeking employment or making application before such body in which they serve shall disclose such relationship as provided for in this section.
3. The disclosure requirements of this section shall be made in writing, directed to the Clerk of the Legislature and shall be made at the earliest opportunity next following the date upon which such officer, employee, or board member, commission member, council member, or agency member first learns of or has knowledge of the making of the application by the person seeking employment and/or appointment.

M) Use of public property. No officer or employee shall request or permit the use of County owned vehicles, equipment, materials or property for personal convenience or profit except when such services are available to the public generally or are provided as policy for the use of such officer or employee in the conduct of official duties.

N) Waiver. A County officer or employee may apply for a Waiver Request Form from any of the standards set forth herein upon a showing of compelling need. A Waiver Request Form will be available from the Clerk of the Legislature or the Board of Ethics, and may be modified from time to time as deemed necessary.

SECTION V. INTEREST IN CONTRACTS WITH THE COUNTY

A) Prohibited interests.

1. No County officer or employee shall have an interest in a contract with the County, or an interest in a bank or trust company, that is prohibited by Section 801 of the General Municipal Law of the State of New York.

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2. Specifically, no County officer or employee shall have an interest in any contract with the County, when he or she, individually or as a member of a board, has the power or duty to negotiate, prepare, authorize or approve the contract or approve payment thereunder; audit bills or claims under the contract, or appoint an officer or employee who has any powers or duties set forth above; and no County chief fiscal officer, treasurer, or his or her deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent for investment of funds of the County of Ulster. This shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any County officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

3. Any contract willfully entered into by or with the County in which there is an interest prohibited shall be null, void, and wholly unenforceable, to the extent provided by § 804 of the General Municipal Law.

B) Discloseable interests.

In accordance with § 803 of General Municipal Law, any County officer or employee who has, will have, or later acquires an interest in or whose spouse or domestic partner has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the County, shall publicly disclose the nature and extent of such interest in writing to and filing with his or her immediate supervisor and the Clerk of the County Legislature as soon as he or she has knowledge of such actual or prospective interest and as more specifically set forth in Section VI (Annual Disclosure) herein. Such written disclosure shall be made a part of and set forth in the official records of the proceedings of the Legislature. The Clerk of the Legislature shall also immediately file a copy of such disclosure with County Executive and the Board of Ethics.

SECTION VI. ANNUAL DISCLOSURE

Annual disclosure. Annual disclosure will take place in accordance with § 812 of General Municipal Law except the following provisions shall be controlling:

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A. County officials and employees required to file disclosure statement. Annual disclosure statements shall be filed by all elected County officials, department heads and their deputies and those individuals who have the authority for policy making decisions including, but not limited to, the following list of titles, which may be amended from time to time by the Chief Executive Officer of the County of Ulster with the approval of the County Legislature so as to include all those titles that are applicable.

1. COUNTY OFFICERS

EXECUTIVE

Executive

Deputy Executives

LEGISLATURE

Chairperson

Legislators

Clerk to the Legislature

Deputy Clerks

Counsel to the Legislature

Minority Counsel

DISTRICT ATTORNEY'S OFFICE

District Attorney

Assistant District Attorneys

CONSUMER FRAUD BUREAU

Director of Consumer Affairs

PUBLIC DEFENDER'S OFFICE

Public Defender

Assistant Public Defenders

COMPTROLLER

Comptroller

Deputy Comptrollers

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DEPARTMENT OF FINANCE
Commissioner of Finance
Deputy Commissioners of Finance

AUDITING
County Auditor
Deputy County Auditors

PURCHASING
County Purchasing Agent
Deputy County Purchasing Agents
Director of Purchasing
Deputy Directors of Purchasing

REAL PROPERTY TAX SERVICE AGENCY
Director
Deputy Directors

COUNTY CLERK'S OFFICE
County Clerk
Deputy County Clerks
Motor Vehicle Supervisors

COUNTY ATTORNEY'S OFFICE
County Attorney
Deputy County Attorneys
Assistant County Attorneys

PERSONNEL OFFICE
Personnel Officer/Personnel Director
Deputy Personnel Officers/Directors

BOARD OF ELECTIONS
Commissioners
Deputy Commissioners

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PUBLIC WORKS

Commissioner of Public Works
Deputy Commissioners of Public Works
Buildings and Grounds Administrative Manager
Highways and Bridges Administrative Manager

DEPARTMENT OF PUBLIC TRANSPORTATION

Director of Public Transportation
Deputy Directors of Public Transportation

ULSTER COUNTY AREA TRANSIT

Director of Transit
Deputy Directors of Transit

INFORMATION SERVICES

Information Services Director
Deputy Information Services Directors
Assistant Director I.S./Application Development
Assistant Director I.S./Operations
Assistant Director I.S./Technical Support

INSURANCE OFFICE

County Insurance Officer
Deputy Insurance Officers

SHERIFF'S DEPARTMENT

Sheriff
Under Sheriff
Head of Civil Division
Head of Criminal Division
Corrections Superintendent
Warden

PROBATION

Director
Deputy Probation Directors

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ALTERNATIVE SENTENCING PROGRAM

Coordinator

Deputy Coordinators

STOP DWI

Coordinator

Deputy Coordinators

FIRE COORDINATOR

County Fire & Emergency Coordinator

Deputy Coordinators

Fire Advisory Board Members

EMERGENCY COMMUNICATIONS/EMERGENCY MANAGEMENT

Director

Deputy Directors

PUBLIC HEALTH

Public Health Director

Director of Patient Services

Medical Examiner

Deputy Medical Examiners

Commissioner of Health

Medical Consultant

Board of Health Members

MENTAL HEALTH SERVICES

Director

Deputy Director of Administration

Commissioner of Mental Health

Deputy Commissioners of Mental Health

Community Services Board Members

COMMUNITY CORRECTIONS PROGRAM

Director

Assistant Director

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SOCIAL SERVICES DEPARTMENT
Commissioner of Social Services
Deputy Commissioners of Social Services

GOLDEN HILL HEALTH CARE CENTER
Director
Deputy Directors
Deputy Director for Clinical Services

DEPARTMENT OF RESIDENTIAL HEALTH CARE FACILITIES
Director of Residential Health Care Facilities
Deputy Directors

OFFICE OF EMPLOYMENT & TRAINING
Director of Employment and Training
Deputy Directors

VETERAN'S SERVICE AGENCY
Director
Deputy Directors

WEIGHTS AND MEASURES
Director
Weights and Measures Inspector

OFFICE FOR THE AGING
Director
Deputy Directors

YOUTH BUREAU
Director of the Youth Bureau
Deputy Directors

PLANNING DEPARTMENT
Director
Deputy Directors

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SAFETY DEPARTMENT

Safety Officer

Deputy Safety Officer

ULSTER COUNTY COMMUNITY COLLEGE

President

Vice President

Dean of Administration

Dean of Academic Affairs

Dean of Advancement & Continuing Education

College Attorney

HUMAN RELATIONS COMMISSION

Director/Commissioner of Human Relations

Deputy Directors/Commissioners of Human Relations

Members of the Commission on Human Relations

BOARD OF ETHICS

Members of the Board of Ethics

PERIODIC COMPENSATION REVIEW COMMITTEE

Members of Periodic Compensation Review Committee

ENVIRONMENTAL MANAGEMENT COUNCIL

Members of the Environmental Management Council

DEPARTMENT OF THE ENVIRONMENT

Director of the Department of Environment

Deputy Directors

DEPARTMENT OF TOURISM

Director of Tourism

Deputy Directors

TRAFFIC SAFETY BOARD

Coordinator of Traffic Safety

Deputy Coordinator

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COUNTY HISTORIAN
County Historian

ULSTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY
Chief Executive Officer or Director of the Agency
Members of the Agency

ULSTER COUNTY RESOURCE RECOVERY AGENCY
Chief Executive Officer or Director of the Agency
Members of the Agency

2. LOCAL POLITICAL PARTY OFFICIALS

A) The Annual Financial Disclosure Statement shall also be required of local political party officials.

1. The term "local political party official" shall mean:

- a. Any chairperson of a County committee elected pursuant to § 2-112 of the Election Law, or his or her successor in office, who received compensation or expenses from constituted committee or political committee funds during the reporting period aggregating a combined total of thirty thousand (\$30,000.00) dollars or more; or
- b. That person by whatever title designated who, pursuant to the rules of a County committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses from constituted committee or political committee funds during the reporting period aggregating a combined total of thirty thousand (\$30,000.00) dollars or more:
 - (i) The principal political, executive and administrative office of the County committee;
 - (ii) The power of general management over the affairs of the County committee;
 - (iii) The power to exercise the powers of the chairman of the County committee as provided for in the rules of the County committee;
 - (iv) The power to preside at all meetings of the County Executive Committee if such a committee is created by the rules of the County committee or exists de facto, or any other committee or

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subcommittee of the County committee vested by such rules with or having de facto the power of general management over the affairs of the County committee at times when the County committee is not in actual session;

(v) The power to call a meeting of the County committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the County committee pursuant to the rules of the County committee, for the purpose of filling an office at a special election in accordance with § 6-114 of the Election Law, for the purpose of filling a vacancy in accordance with § 6-116 of such law, or for the purpose of filling a vacancy or vacancies in the County committee which exists by reason of an increase in the number of election districts with the County occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its members, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a chairperson of an assembly district committee or other district committee smaller than a county and created by the rules of the County committee, to call a meeting of such district committee for such purpose;

(vi) The power to direct the treasurer of the party to expend funds of the County committee or;

(vii) The power to procure from one or more bank accounts of the County committee the necessary funds to defray the expense of the County committee.

B) The terms “constituted committee” and “political committee,” as used in this subdivision, shall have the same meanings as those contained in Section 14-100 of the Election Law.

C) Each appointing authority or department head shall annually determine, by February 1st of each year, if there are any other officers or employees, within his/her department, holding policy-making positions. A list of such employees or officers shall then be immediately forwarded to the Chairman of the Ulster County Legislature for the year 2008 and to the County Executive thereafter.

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D) Time and Place for Filing. Annual Disclosure Statements shall be filed with the Clerk of the County Legislature:

1. Within sixty (60) days of taking office; and
2. No later than May 1st of each year thereafter.

E) Changes in Disclosed Information. Except as provided in Section V(B) herein, within thirty (30) days after a change in the information contained in his/her most recently filed Annual Disclosure Statement, a County officer or employee shall file a signed amendment to the statement.

F) Contents of Annual Disclosure Statements and Waiver Request Forms. The County Legislature shall have the power and authority to promulgate and amend the form from time to time by resolution and as provided for in and in conformity with § 811 of General Municipal Law.

G) The Annual Disclosure Form shall be acknowledged and notarized and in substantially the form which is annexed hereto and made a part hereof as Appendix "A".

H) Maintenance of Annual Disclosure Statements. The Clerk of the County Legislature shall transmit to the Board of Ethics and the Chief Executive Officer of the County all Annual Disclosure Statements required by this Local Law within five (5) business days of receiving such statements. All Annual Disclosure Statements shall be submitted in sealed envelopes.

I) Good Faith Efforts. Failure to disclose the information required by subsection A of this section with respect to a County officer's or employee's spouse or domestic partner or other relative shall not constitute a violation of the subsection if the officer or employee has made a good faith effort to obtain the information and if he/she sets forth those efforts in his/her Annual Disclosure Statement.

J) Distribution of Disclosure Form. On or before the 1st day of March of each year, beginning with the year 2009 and thereafter, the County Executive of the County of Ulster shall cause the Annual Statement of Financial Disclosure to be distributed to those persons filling the positions as denominated in subdivision A and B set forth above.

K) Hardship Provision. Any person who is subject to the reporting requirements of this section and who timely filed with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the

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immediately preceding calendar or fiscal year shall be required to submit such financial disclosure statement on or before May 1st but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplemental statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting Annual Statements of Financial Disclosure as if such supplementary statements were an annual statement.

SECTION VII. PENALTIES FOR VIOLATIONS

A) Void Contracts. Any contract or agreement entered into by or with the County in which there is an interest prohibited by this law shall be null, void, and wholly unenforceable, to the extent provided by § 804 of General Municipal Law unless ratified by the County Legislature.

1. Such ratification shall not affect the imposition of any criminal or civil penalties pursuant to this local law or any other provision of law.
2. Upon determination by the Board of Ethics that such a violation has occurred, the Board of Ethics shall have the power, upon consultation with the head of the department involved, or with the chief executive officer of the County, to render forfeit and void the transaction in question.

B) Civil Penalties. Any County officer or employee who violates any provision of this law including any reporting individual who knowingly and willfully fails to file an Annual Statement of Financial Disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this law, shall be assessed a civil penalty in an amount not to exceed ten thousand (\$10,000.00) dollars. Assessment of a civil penalty hereunder shall be made by the Ulster County Board of Ethics. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty (30) days of imposition and, upon becoming final, shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Ulster County Board of Ethics pursuant to Article Seventy-Eight of the Civil Practice Law and Rules.

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C) Criminal Penalties. For a violation of this law, other than for conduct which constitutes a violation of Subdivision Twelve of § 73 of the Public Officers Law, the Ulster County Board of Ethics may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction but only after such referral, such violation shall be punishable as a Class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated.

D) Disciplinary Action. Any County officer or employee who violates any provision of this law may be warned or reprimanded or suspended or removed from office or employment, or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal or other authorized sanction may be imposed in addition to any other penalty contained in this section or in any other provision of law.

SECTION VIII. BOARD OF ETHICS

A) Establishment.

1. *There shall be a Board of Ethics consisting of five members, who, prior to January 1, 2009, shall be appointed by the Ulster County Legislature, and thereafter shall be appointed by the County Executive, subject to confirmation of the County Legislature.*
2. *Board of Ethics members shall serve without compensation and at the pleasure of the County Legislature prior to January 1, 2009 and thereafter at the pleasure of the County Executive.*
3. *No more than two members shall be of the same political party.*
4. *Members of the Board of Ethics shall receive no compensation for services rendered but shall be entitled to their reasonable and necessary expenses incurred in the performance of their duties, within appropriations made for such purposes.*
5. There shall be support staff and funds as may be appropriated annually toward the Ethics Board's maintenance and operation.
6. The County Attorney or Attorney(s) shall provide legal and advisory services to the Board of Ethics as it may require in the performance of its duties. If the County Attorney or Attorney(s) for the County have a potential conflict of interest, the County shall make funds available for outside counsel.

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7. The Board of Ethics shall elect a Chair from among its members. The Chair or a majority of the Board may call a meeting of the Board. The Board of Ethics shall meet a minimum of two (2) times a year.
8. Three (3) members of the Board shall constitute a quorum and shall be required for the purpose of conducting a meeting. A concurring vote of three (3) members shall be required for the Board to take action.
9. Prior to January 1, 2009, any Board of Ethics member may be removed from office by a majority vote of the County Legislature for failure to fulfill the duties of the office or for the violation of this Local Law and shall be given written notice and an opportunity to be heard. After January 1, 2009, *members shall serve at the pleasure of the County Executive* and may be removed from office by the County Executive at his or her discretion.

B) Qualifications.

1. All members of the Board of Ethics shall reside in the County of Ulster, be over twenty-five (25) years of age, and a registered voter for at least five (5) years prior to appointment.
2. *No more than two (2) members of the Board of Ethics may be enrolled in the same political party.* Enrollment in a political party shall be deemed effective in conformance with Article 5 of Election Law of the State of New York.
3. No member shall hold office in a political party or hold elective office in the County. For purposes of this section, office in a political party shall mean all offices in any political party including the office of committee person or committee member.
4. A member may make campaign contributions but not otherwise participate in any Ulster County election campaign.
5. One (1) member may be an appointed officer or employee of the County.

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C) Powers and duties.

1. *The Board of Ethics shall render advisory opinions to the officers and employees of the County of Ulster with respect to Article 18 of General Municipal Law, the Code Ethics of the County of Ulster (as Set forth herein and known as “The Ulster County Ethics and Disclosure Law”), and the Administrative Code. Such advisory opinions shall be in response to written request from any such officer or employee under such rules and regulations as the Board may prescribe.*

a. The Board shall render advisory opinions with respect to all matters covered by this law. An advisory opinion shall be rendered on the request of a county officer or employee or supervisory official of a county officer or employee and shall apply only to such public servant. The request shall be in such form as the Board may require and shall be signed by the person making the request. The opinion of the Board shall be based on such facts as presented in the request or subsequently submitted in a written, signed document.

b. Advisory opinions shall be issued only with respect to proposed future action by a public servant. A county officer or employee whose conduct or action is the subject of an advisory opinion shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion. The Board may amend a previously issued advisory opinion after giving reasonable notice to the county officer or employee that it is reconsidering its opinion; provided that such amended advisory opinion shall apply only to future conduct or action of the public servant.

c. The Board shall make public its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of any county officer or employee or other involved party. The advisory opinions of the Board shall be indexed by subject matter and shall be maintained on an annual and cumulative basis.

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d. For purposes of this subdivision, county officer or employee includes a current, prospective and county officer or employee, and a supervisory official includes a supervisory official who shall supervise, supervises or has supervised either a current, prospective or former county officer or employee.

2. *The Board may also accept from the general public or any of its own members or any county officer or employee a complaint or allegation of conflict of interest of any officer or employee of Ulster County. The Board may also accept from the general public or any of its own members or any county officer or employee a complaint or allegation of a violation of this law by a county officer or employee.*

a. All such complaints shall be signed; and

b. All such complaints or allegations are to be kept in the confidential records of the Board.

3. Should the Board determine that there appears to be no merit to the complaint, it shall dismiss the complaint and notify the county officer or employee of its determination in writing.

4. Hearings.

a. Should the Board determine that there appears to be merit or probable cause in the complaint or allegation, it shall send a written invitation to the officer or employee in question to appear at a private meeting of the Board and explain the apparent conflict of interest. The written invitation shall be in the form of a notice and shall contain a statement of the facts upon which the Board has relied for its determination of probable cause and a statement of the provisions of law allegedly violated. The Board shall also inform the county officer or employee of the Board's procedural rules. Such county officer or employee shall have a reasonable time to respond either orally or in writing, and shall have the right to be represented by counsel or any other person.

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- b. If, after consideration of the response of the officer or employee, the Board determines that there remains probable cause to believe that a violation has occurred, the Board shall hold or direct a hearing to be held on the record to determine whether such violation has occurred, or refer the matter to the appropriate department or appointing authority if the county officer or employee is subject to the jurisdiction of any state law or collective bargaining agreement which provides for conduct of disciplinary proceedings. When such matter is referred to such department or appointing authority, the department or appointing authority shall consult with the Board before issuing a final decision.
- c. *Should such officer or employee fail to appear in response to such invitation or should he or she appear and fail to satisfy the Board that there is no conflict of interest or violation of this law, the Board shall send a written report on the matter to the County Executive and the Clerk of the Legislature. The report shall not be made public except by the County Executive or by the unanimous vote of the Board.*
- d. If the Board determines, after a hearing or the opportunity for a hearing, that a county officer or employee has violated this law, it shall, after consultation with the head of the department or appointing authority for the officer or employee, issue an order either imposing such penalties as provided for by this law as it deems appropriate, or recommending such penalties to the head of the department or appointing authority. The order shall include findings of fact and conclusions of law. When a penalty is recommended, the head of the department or the appointing authority shall report to the Board what action was taken.
- e. Hearings of the Board shall not be public unless requested by the public servant. The order and the Board's findings and conclusions shall be made public.

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- f. The Board shall maintain an index of all persons found to be in violation of this law, by name, office and date of order. The index and the determination of probable cause and orders in such cases shall be made available for public inspection and copying.
- g. Nothing contained in this section shall prohibit the appointing officer of a county officer or employee from terminating or otherwise disciplining such public servant, where such appointing officer is otherwise authorized to do so; provided, however, that such action by the appointing officer shall not preclude the Board from exercising its powers and duties under this law with respect to actions of any public servant.
- h. For purposes of this subdivision, the term county officer or employee shall include both current and former county officers and employees.
- i. The Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the proceedings authorized herein including the assessment of the civil penalties herein authorized. Such rules shall provide for the due process procedural mechanisms substantially similar to those set forth in Article Three of the State Administrative Procedure Act but such mechanisms need not be identical in terms of scope.
- j. Any person compelled to appear in person or who voluntarily appears before the Board of Ethics shall be accorded the right to be accompanied, represented by, and/or advised by counsel.

5. In addition, the Board may make recommendations with respect to the County Code of Ethics or amendments thereto upon the request of the Ulster County Legislature (as set forth herein and known as "The Ulster County Ethics and Disclosure Law"). The Board, upon its formulation, shall promulgate its own rules and regulations as to its forms and procedures and shall maintain records of its opinions and proceedings. Copies of all rules and regulations promulgated by the Board and any and all amendments thereto which may be adopted from time to time shall be

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filed with the Clerk of the Ulster County Legislature within ten days of their adoption.

6. The Board shall not act with respect to officers and employees of any municipality located within the County or agency thereof where such municipality has established its own Board of Ethics, except that the local board may, at its option refer matters to the County Board.

7. No meeting or proceeding or hearing of the Board of Ethics concerning a possible violation of this law by a county officer or employee shall be open to the public, except upon the request of the officer or employee or as required by the provisions of Article 7 of the Public Officers Law or by some other state or federal law or regulation.

D) The Board of Ethics shall also have the following powers and duties:

1. To administer the provisions of this County Law.
2. To prescribe and promulgate rules and regulations governing its own organization and procedures.
3. To review, index and maintain all Annual Disclosure Statements filed with the Board of Ethics.
4. To prepare and submit an annual report to the Ulster County Legislature summarizing the activities of the Board of Ethics, listing any recommended changes to the text or administration of this Local Law.
5. To provide for public inspection of certain records. The only records of the Board of Ethics which shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law of the State of New York or by some other state or federal law or regulation.
6. To receive, review and approve or disapprove all requests for waivers related to this law. [See Section IV. (o)].

SECTION IX. JUDICIAL REVIEW

Any person aggrieved by a recommendation of the Board of Ethics, as implemented by the County, may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

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SECTION X. SUPERSESION OF GENERAL MUNICIPAL LAW SECTION 808

Whenever the requirements of this Local Law are inconsistent with the provisions of Section 808 of the General Municipal Law, the more restrictive provision, or those imposing higher standards shall govern.

SECTION XI. MISCELLANEOUS PROVISIONS

A) No existing right or remedy shall be lost, impaired, or affected by reason of this Local Law.

B) Nothing in this Local Law shall be deemed to bar or prevent a present or former county officer or employee from timely filing any claim, account, demand, or suit against the County on behalf of himself/herself or any member of his/her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.

C) If any provision of this Local Law is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of this law.

SECTION XII. DISTRIBUTION AND POSTING

A) Within ninety (90) days after the effective date of this section, and thereafter as appropriate, the Board of Ethics shall transmit to the Ulster County Legislature and Clerk of the Legislature, in a form suitable for posting, copies of those provisions of this Local Law which the Board of Ethics deems necessary for posting in the County of Ulster. Within ten (10) days after receipt of those copies, the Clerk of the Legislature shall cause the copies to be posted conspicuously where public notices are generally posted.

B) Within ninety (90) days after the effective date of this section, and thereafter as appropriate, the Board of Ethics shall transmit to the Clerk of the Legislature, in a form suitable for distribution, copies of those provisions of this Local Law, which the Board of Ethics deems necessary for distribution to the officers and employees of the County. Within ten (10) days after receipt of those copies, the Clerk of the Legislature shall cause the copies to be distributed to every officer and employee of the County, and made readily available to the public. Every County officer or employee elected or appointed

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thereafter shall be furnished a copy of those provisions within ten (10) days after entering upon the duties of his/her position.

C) Failure of the County to comply with the provisions of this section or failure of any County officer or employee to receive a copy of these provisions of this Local Law shall have no effect on the duty of compliance with this Local Law or on the enforcement of its provisions.

SECTION XIII. REPEALER

Local Law Number 1 of 1970, Local Law Number 1 of 1989 and Local Law Number 1 of 1990 are hereby superseded and repealed.

SECTION XIV. EFFECTIVE DATE

This Local Law shall take effect immediately upon the filing in the office of the Secretary of State in compliance with all applicable provisions of law.

(Note: this local law incorporates relevant provisions of the Ulster County Charter. Charter language is included in italics and cannot be changed without amending the Charter.)

Adopted: December 10, 2008